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IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. _____

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FILED

APR 12 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

CAROL A. WALTERS, individually as the)
Mother to her deceased son, Timothy)
Dwayne Walters and as the Personal)
Representative of the Estate of Timothy)
Dwayne Walters,)
)

Appellant,)

vs.)

FLATHEAD CONCRETE PRODUCTS, INC.,)
a Montana Corporation and its successors,)
and DOES 1-100,)
)

Respondent.)

NOTICE OF APPEAL

NOTICE is given that the Appellant above-named and who is the plaintiff in that cause of action filed in the Eleventh Judicial District, in and for the County of Flathead, as Cause No. Cause No. DV-08-1146C hereby appeals to the Supreme Court of the State of Montana from the final judgment entered in such action on the __ day of March, 2010, and the order entered in such action on the 5th day of March, 2010. The Notice of Entry of Order was filed on March 11, 2010.

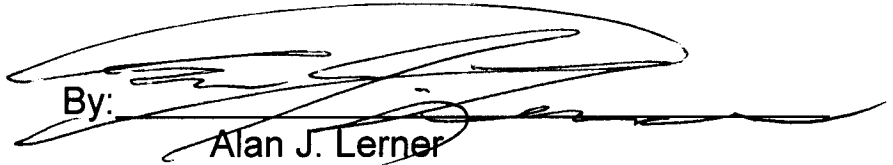
THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. App. P. 7. The money judgment being sought is not less than \$5,000.
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).
3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal.

5. That included herewith is the filing fee prescribed by statute.

Dated this 9th day of April, 2010.

LERNER LAW FIRM

By: 
Alan J. Lerner
Co-Counsel for Appellant.

CERTIFICATE OF SERVICE

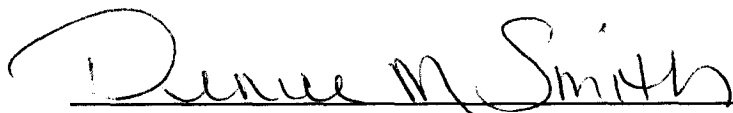
I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript will be ordered, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Clerk of the Eleventh Judicial District Court of the State of Montana
800 South Main Street
Kalispell, MT 59901

Tom Sapp and Victoria Walters
Court Reporters
800 South Main Street
Kalispell, MT 59901

Todd A. Hammer
Angela K. Jacobs
HAMMER, HEWITT & JACOBS, P.L.L.C.
P.O. Box 7310
Kalispell, MT 59904-0310

Dated this 9th day of April, 2010.

A handwritten signature in cursive script, reading "Denice M. Smith", written in black ink over a horizontal line.

Denice M. Smith
128 Second Street East
Kalispell, MT 59901
Secretary, Lerner Law Firm